

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
ALEXANDRIA DIVISION

ROSY GIRON DE REYES, *et al.*,

Plaintiff,

v.

WAPLES MOBILE HOME PARK  
LIMITED PARTNERSHIP, *et al.*,

Defendants.

Civil No.: 1:16cv563-TSE-TCB

**MEMORANDUM IN SUPPORT OF JOINT MOTION TO RESCHEDULE  
FINAL PRETRIAL CONFERENCE AND RELATED DEADLINES**

Plaintiffs Rosy Giron De Reyes, Jose Dagoberto Reyes, Felix Alexis Bolanos, Ruth Rivas, Yovana Jaldin Solis, Esteban Ruben Moya Yrapura, Rosa Elena Amaya, and Herbert David Saravia Cruz (“Plaintiffs”), and Defendants Waples Mobile Home Park Limited Partnership, Waples Project Limited Partnership, and A. J. Dwoskin & Associates, Inc. (collectively “Defendants”), by counsel, respectfully submit this Memorandum in support of the parties’ Joint Motion to Reschedule Final Pretrial Conference and Related Deadlines.

**ARGUMENT**

The Court recently modified the summary judgment briefing schedule. (Dkt. 109). Plaintiffs must submit their Opposition to Defendants’ Motion for Summary Judgment on December 23, 2016 (Dkt. 109), and Defendants must submit their Reply in support of Defendants’ Motion for Summary Judgment on January 6, 2017 (Dkt. 120). Further, the Court scheduled a hearing on Defendants’ Motion for Summary Judgment on Friday January 27, 2017. In light of the fact that the Court will not hear argument on Defendants’ Motion for Summary Judgment until January 27, 2017, the parties respectfully request the Court to reschedule the final

pretrial conference date to Thursday February 2, 2016, the first Thursday after the Court's hearing on Defendant's Motion for Summary Judgment.

As it stands now, pursuant to the Court's July 28, 2016 Scheduling Order, the parties have to exchange Rule 26(a)(3) disclosures, exhibit lists, witness lists, and a written stipulation of uncontested facts on or before Thursday December 15, 2016. (Dkt. 35.) Thereafter, the parties must file objections to the exhibits within 10 days after the final pretrial conference date. (Dkt. 35).

Under the Court's modified summary judgment briefing schedule, the parties will be exchanging Rule 26(a)(3) disclosures, exhibit lists, witness lists, and a written stipulation of uncontested facts well before the summary judgment briefing schedule has been concluded. Further, the parties presumably will have to appear at the December 15, 2016 conference and likely set a trial date for some date in February 2017, at the earliest. The Court's ruling at the January 27, 2017 hearing on Defendants' Motion for Summary Judgment may inform the parties' decisions to call certain witnesses or exchange certain exhibits. The parties and the Court will unnecessarily expend resources if the parties must appear for the currently scheduled final pretrial conference and exchange Rule 26(a)(3) disclosures, exhibit lists, witness lists, and a written stipulation of uncontested facts at least two months prior to any possible trial date.

### **CONCLUSION**

Accordingly in order to conserve resources, the parties respectfully request the Court to reschedule the final pretrial conference date to Thursday February 2, 2016. Further, the parties respectfully request the Court to modify the Court's July 28, 2016 Scheduling Order so that the parties exchange Rule 26(a)(3) disclosures, exhibit lists, witness lists, a written stipulation of

uncontested facts, and their objections to the opposing parties' exhibit lists based on the proposed February 2, 2016 final pretrial conference date.

Respectfully submitted,

/s/ Paul Brinkman

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**CERTIFICATE OF SERVICE**

I hereby certify that on the 7th day of December, 2016, I caused the foregoing to be filed electronically with the Clerk of the Court using CM/ECF, which will then send a notification of such filing to all counsel of record.

/s/

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